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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HAKEEM AKINTUNDE OGUNMOWO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-71095

Agency No. A092-654-603

MEMORANDUM^{*}On Petition for Review of an Order of the
Board of Immigration AppealsSubmitted January 13, 2009^{**}

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Hakeem Akintunde Ogunmowo, a native and citizen of Nigeria, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's order denying his motion to reopen removal proceedings conducted *in absentia*. We have jurisdiction pursuant to 8 U.S.C. § 1252. We

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review for abuse of discretion the denial of a motion to reopen, *Celis-Castellano v. Ashcroft*, 298 F.3d 888, 890 (9th Cir. 2002), and we grant the petition for review.

Notice of Ogunmowo's July 1, 2005 removal hearing was not sent to Ogunmowo's last address of record. *See* 8 U.S.C. § 1229a(b)(5)(A). We therefore remand with directions that the agency reopen Ogunmowo's removal proceedings. *See Sembiring v. Gonzales*, 499 F.3d 981, 991 (9th Cir. 2007).

PETITION FOR REVIEW GRANTED; REMANDED.